

M e m o r a n d u m

Date : May 22, 2002

To : Mr. Arthur G. Baggett Jr., Chair
State Water Resources Control Board
Post Office Box 100
Sacramento, California 95812-0100

From : Department of Water Resources

Subject : Order Denying Reconsideration and Amending Decision Approving Water Level Response Plan

The Department of Water Resources and U.S. Bureau of Reclamation support the Board staff recommendation to deny reconsideration of the approval of the Water Level Response Plan. In this letter we have summarized the Department's and Reclamation's position regarding some of the Water Level Response Plan issues raised at the May 16 Board meeting. We have also included a suggestion to further change the language of Condition 1 of the draft order to better clarify the intent of the condition. Furthermore, we appreciate the opportunity for our agencies' representatives to present comments to the State Water Resources Control Board at the May 28 Board meeting.

On October 6, 2000, pursuant to Decision 1641, Mr. Edward C. Anton, acting as Executive Director, approved the first water level response plan for one year. In addition to joint point of diversion uses, many subsequent water transfers were conditioned on the provisions of the response plan. Because the plan did not address some aspects of water transfers and because the first plan proved unacceptable to representatives of South Delta Water Agency as well as the various fishery agencies, Department and Reclamation staff decided to submit a new plan in lieu of requesting re-approval of the first plan.

Department and Reclamation staff developed the current plan in coordination with Mr. John Herrick and Mr. Alex Hildebrand, of the South Delta Water Agency. Representatives from the California Department of Fish and Game, U.S. Fish and Wildlife Service, and National Marine Fisheries Service were also consulted throughout the development of the current plan. Although the Department, Reclamation, and SDWA worked closely to finalize the document, SDWA did not agree to some fundamental aspects of the Response Plan.

The Department and Reclamation believe the Response Plan provides an appropriate process to address water levels of concern in the southern Delta that may result from the incremental effects of joint point of diversion and water transfers. The Response Plan includes provisions for forecasting water levels, mitigating incremental effects of joint point and transfers, developing preventative measures for problematic agricultural diversions, and maintaining regular communication between the Department and Reclamation and SDWA.

As part of the Response Plan the Department and Reclamation have pledged to maintain diligent communication with SDWA on a monthly basis or more frequently as needed. With the start of this year's temporary barriers program, the Department has provided weekly water level forecasts for various locations in the South Delta. With these forecasts the Department communicates any foreseeable water transfer or use of joint point of diversion. Also, Department and Reclamation staffs are convening monthly conference calls with representatives from SDWA to discuss issues or concerns of the parties.

Not all the concerns of SDWA are specific to the Water Level Response Plan. The Department and Reclamation concur with Board staff that the Water Level Response Plan need only address the incremental water level impacts associated with joint point of diversion and water transfers. There are many factors influencing the water levels at any location in the southern Delta. These factors include weather, channel siltation, river flows, and normal SWP and CVP operations. To help alleviate many of these influences, the Department conducts a temporary barrier program designed to elevate water levels in most of the South Delta channels. Furthermore, the Department operates the Clifton Court Forebay in a manner to minimize the impacts of SWP operations on southern Delta diversions by avoiding diversions on the lowest tide and allowing the preceding incoming tide to propagate upstream.

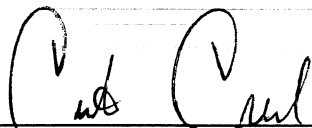
In an effort to help alleviate water level problems for diverters downstream of the barriers and as part of the Response Plan, the Department has initiated a program to demonstrate the effectiveness of installing and using portable pumps. The Department also continues work on a spot-dredging and diversion modification program. If proven effective the portable pump program will provide temporary pumps to diverters suffering insufficient diversion capability (usually with siphons) during the low tides. The pumps will assist the diverter during the lower tides until DWR and the diverter can develop and implement a more permanent solution that might include spot-dredging or diversion modifications. Portable pumps are currently installed for two diverters in the South

Delta who are downstream of the temporary rock barriers. Upon completion of the test, the Department will report its findings to SDWA and the SWRCB Executive Director. In addition, the Department continues to pursue the necessary permits for a spot-dredging and diversion modification program for the South Delta. Staff has been working on this endeavor most of the past year and has recently completed the environmental documents that will be forwarded to the permitting agencies. Department staff expects to begin spot-dredging at specific diversions this fall during the dredging window identified by the U.S. Corps of Engineers.


The Department and Reclamation believe the language of Condition 1 in the draft order needs clarification to remain consistent with the discussion included with the draft order and Ms. Cantú's letter approving of the Response Plan. This clarification is achieved by inserting the phrase shown as underlined in Condition 1, below.

"With the permission of the agricultural water right holders involved, the DWR and the USBR shall implement physical modifications to agricultural diversion structures in the southern Delta as needed to protect any agricultural diversions that are susceptible to low water levels resulting from the incremental impacts of JPOD. Such modifications may include changes in the intake structures that will facilitate agricultural diversions from shallow water. The DWR and USBR are required to implement such modifications only if diverters demonstrate to the satisfaction of the Chief of the Division of Water Rights that they have a valid right to the water during the period when water levels due to JPOD operations may be too low."

The Water Level Response Plan appropriately addresses the incremental impacts associated with JPOD and water transfers. The Department and Reclamation will continue to adhere to the provisions of the Water level Response Plan and the conditions of the plan's approval. The Department and Reclamation also recognize the concerns of the SDWA and will continue to maintain regular communication with SDWA representatives to reach agreeable solutions addressing their concerns. It is the Department and Reclamation's goal to reach these solutions through the South Delta Improvement Plan in conjunction with the CALFED Bay-Delta Program.

for 

Carl Torgersen, Chief Date
SWP Operations Control Office
Department of Water Resources

for 

Chester Bowling, Operations Manager Date
Central Valley Operations Office
Bureau of Reclamation

Cc: Ms. Celeste Cantu
Mr. Ed Anton

Mr. John Herrick
South Delta Water Agency
Post Office Box 70392
Stockton, California 95627